MAY 2 6 2004 E

PTO/SB/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

4

Total Number of Pages in This Submission

Application Number 10/773,238

Filing Date February 9, 2004

First Named Inventor Masaji Noguchi

Art Unit 2633

Examiner Name TBD

Attorney Docket Number 19546.0048

| ENCLOSURES (check all that apply)                   |   |  |   |  |  |  |  |
|---|---|--|---|--|--|--|--|
| Fee Transmittal Form                                |   | Drawing(s)   | After Allowance Communication to Group  |  |  |  |  |
| Fee Attached  |   | Licensing-related Papers                                       | Appeal Communication to Board of Appeals and Interferences                                |  |  |  |  |
| Amendment / Reply                                   |   | Petition   | Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                         |  |  |  |  |
| After Final   |   | Petition to Convert to a Provisional Application               | Proprietary Information   |  |  |  |  |
| Affidavits/declaration(s)                           |   | Power of Attorney, Revocation Change of Correspondence Address | Status Letter   |  |  |  |  |
| Extension of Time Request                           |   | Terminal Disclaimer  | Other Enclosure(s) (please identify below):   |  |  |  |  |
| Express Abandonment Request                         |   | Request for Refund CD, Number of CD(s)                         | Request for Corrected Filing<br>Receipt and copy of Filing<br>Receipt mailed May 10, 2004 |  |  |  |  |
| ☐ Information Disclosure Statement                  |   |  |   |  |  |  |  |
| Certified Copy of Priority Document(s)              |   | Remarks  |   |  |  |  |  |
| Response to Missing Parts/ Incomplete Application   |   |  |   |  |  |  |  |
| Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |   |  |  |  |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT          |   |  |   |  |  |  |  |
| Firm<br>or<br>Individual name                       | Michael A. Schwartz,<br>Swidler Berlin Sheref | f Friedman LLP   |   |  |  |  |  |
| Signature   | michael a. Alwang                             |  |   |  |  |  |  |
| Date  | May 26, 2004                                  |  |   |  |  |  |  |
| CERTIFICATE OF MAILING                              |   |  |   |  |  |  |  |

CERTIFICATE OF WAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Signature

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

In re Application of: Masaji Noguchi, et al.

Group Art Unit 2633

Application No.10/773,238

Examiner: TBD

Filed: February 9, 2004

Examinici. 1DD

Titled: Wavelength Selection Module Comprising Variable Wavelength Selecting Section for

Selecting a Plurality of Wavelengths

### REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Commissioner for Patents Washington, D.C. 20231

Sir:

Applicant requests that a Corrected Filing Receipt be issued due to an error on the Filing Receipt mailed May 10, 2004. A copy marked in red ink showing the required correction is attached.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment to Deposit Account No. 19-5127 referencing Order No. 19546.0048 for entry of this paper.

Respectfully submitted,

Swidler Berlin Shereff Friedman, LLP

By: Michael A. Schwartz Registration No. 40,161

Dated: May 26, 2004

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP 3000 K Street, N.W., Suite 300 Washington, D.C. 20007 (202) 424-7500



APPL NO.

MAY 2 6 200 S PATENT AND TRADEMARK OFFICE

FIL FEE REC'D

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1459 Alexandria, Vigania 22313-1450

| www.uspto.gov  |          |          |          |  |  |  |
|----------------|----------|----------|----------|--|--|--|
| ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |  |  |  |

02/09/2004 10/773,238

1028

6

2633

ART UNIT

19546.0048

13

20

**CONFIRMATION NO. 6900** 

Swidler Berlin Shereff Friedman, LLP Suite 300 3000 K Street, NW Washington, DC 20007-5116

**FILING OR 371** 

(c) DATE

MAY 1 1 2004

FILING RECEIPT \*OC000000012572603\*

Date Mailed: 05/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

### Applicant(s)

Masaji Noguchi, Sashima, JAPAN; Tomohiro Ueno, Oyama, JAPAN; Hideyuki Miyata, Kawasaki, JAPAN; Yutaka Kai, Kawasaki, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2003-316973 09/09/2003 JAPAN 2003-53335 02/28/2003 053336

If Required, Foreign Filing License Granted: 05/07/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Wavelength selection module comprising variable wavelength selecting section for selecting a



plurality of wavelengths

**Preliminary Class** 

398

# LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).